

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
(BOSTON)**

Nancy Brooks and Joan Silverman, as
Trustees of the Irrevocable Trust of Donald L.
Silverman and as Executrices for the Estate of
Donald L. Silverman

Plaintiffs,

V.

AIG SunAmerica Life Assurance Company,

Defendant.

Civil Action No. 05-10994-WGY

**PLAINTIFFS' CROSS-MOTION FOR
PARTIAL JUDGMENT (Liability) ON THE PLEADINGS**

Plaintiffs Nancy Brooks and Joan Silverman, on behalf of themselves and all other similarly situated persons, hereby move for partial judgment (liability) on the pleadings in their favor on the grounds that SunAmerica admits that it both breached its insurance contract and violated the regulations of the Massachusetts Division of Insurance (“MA DOI Regulations”) in raising COI Rates on plaintiffs’ insurance policy. Therefore, the Court should **grant** Plaintiffs’ Cross-Motion for Partial Judgment (Liability) on the Pleadings, holding that (1) the terms of Plaintiffs’ policy require that COI Rate Increases can only be made in accordance with regulatory filings that should have been made in each jurisdiction where Defendant issued such policies and (2) Defendant has breached the terms of each policy it issued in Massachusetts by enacting unauthorized COI Rate Increases.

Respectfully submitted,

DATED: 9 November 2005

/s/ _____
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CERTIFICATE OF SERVICE

I certify that on 9 November 2005, I caused a true copy of the foregoing document to be served electronically via the Court's electronic filing system on defense counsel.

_____/s/_____
John Peter Zavez